

## Chiccine, Catherine

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**From:** Chiccine, Catherine  
**Sent:** Tuesday, June 21, 2022 1:46 PM  
**To:** Michael Cullen  
**Subject:** Findett OU4  
**Attachments:** Letter to City of St Charles re Ameren CD final.pdf

Mike,

Attached please find a letter from EPA regarding the City's April 8, 2022 letter on the Findett Superfund Site, Operable Unit 4. I apologize for the delayed response. Please feel free to call me any time if you'd like to discuss over the phone; I am happy to answer any questions you may have. Or if you prefer, we can set up a meeting with the technical folks as well.

Best,

**Cathie Chiccine** | Attorney-Advisor  
United States Environmental Protection Agency, Region 7  
913.551.7917 | 11201 Renner Boulevard, Lenexa, Kansas 66219  
[chiccine.catherine@epa.gov](mailto:chiccine.catherine@epa.gov)



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

**VIA EMAIL**

Michael P. Cullen  
City of St. Charles City Attorney  
200 North Second Street  
St. Charles, Missouri 63301  
Michael.Cullen@stcharlescitymo.gov

RE: Consent Decree and Remedial Activities at Ameren Substation  
Findett Superfund Site, Operable Unit 4 (SSID 0795)  
3894 Huster Road, St. Charles, Missouri 63301

Dear Mr. Cullen:

Thank you for your April 8, 2022, letter to the U.S. Environmental Protection Agency regarding the current status of Operable Unit 4 (OU4) of the Findett Corporation Superfund Site (Site). As you are aware, the EPA is currently in settlement negotiations with Union Electric Company d/b/a Ameren Missouri (Ameren) for performance of the remedial design and remedial action (RD/RA) at OU4. We appreciate and understand the City of St. Charles' (City) concerns about the settlement memorialized in the forthcoming RD/RA Consent Decree (CD). While the substance and status of ongoing negotiations are confidential, we would like to provide the following information in response to the issues raised in your letter.

*Opportunity for Public Comment and Coordination Moving Forward*

Superfund settlements are governed by Section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9622, which requires the United States to lodge the proposed CD and Statement of Work (SOW) with the court and provide the public an opportunity to comment before the court enters the CD as a final judgment. All comments received during the comment period are considered by the United States, and the United States may withdraw or withhold its consent to the proposed judgment if the comments indicate the CD or SOW is inappropriate, improper, or inadequate. *See* 42 U.S.C. § 9622(d)(2)(B). If the United States files a motion requesting that the court approve and enter the CD, the United States will file the public comments received with the court as part of its motion.

You have requested that the EPA pause negotiations with Ameren so that the City may review the CD and SOW. In accordance with the above procedures, the CD and SOW will be available for the City's review prior to the entry of final judgment by the court. During the public comment period, we welcome and encourage the City to provide its comments on both the RD/RA CD and the SOW. The EPA, along with the Department of Justice, will review and consider the City's comments once the end of the formal comment period has closed. The EPA is

committed to cleanup and protection of human health and the environment. To that end, the CD and SOW will provide an enforcement mechanism so that the EPA may ensure that Ameren cleans up the site to the standards set forth in the June 30, 2021, Record of Decision (ROD), and require additional response actions be performed should City wells exceed MCLs or be anticipated to exceed MCLs in the future.

Prior to the CD and SOW being available for public comment, the EPA is dedicated to frequent communication with the City and all interested stakeholders. Though the EPA's technical staff has already been meeting quarterly with the City's technical staff and Ameren's project manager, the EPA would like to propose additional recurring stakeholder meetings, which would include legal and technical staff, with the City, the Missouri Department of Natural Resources, representatives from Ameren, and any other interested state or local officials to listen to the City's concerns, answer questions, and update the City on any recent developments at the Site. Additionally, it is EPA's hope that the City's technical staff will contact EPA's recently assigned Remedial Project Manager, Tonya Howell, if they have questions or concerns between these regular stakeholder meetings. Tonya can be reached at 913-551-7589 or at [howell.tonya@epa.gov](mailto:howell.tonya@epa.gov).

#### *City Sampling and the City's Technical Concerns*

You also raise a number of technical issues in your April 8, 2022, letter, pertaining to the selected remedy and the work that is currently being performed by Ameren. Regarding the substance of the technical issues, we refer you to Appendix C of the ROD, in which the EPA responded to the City's comments on the selected remedy, and the EPA's April 15, 2022, letter to the City, in which the EPA responds to the City's comments on Ameren's conceptual site model. In the event the City has additional technical issues not previously addressed by the EPA, we invite the City to raise these during the stakeholder meetings referenced above.

In your April 8, 2022, letter, you indicate that the City has data supporting its concerns with Ameren's ongoing work at OU4, sampling methodology, and conceptual site model. Pursuant to our Quality Assurance (QA) policy<sup>1</sup> and procedure,<sup>2</sup> the EPA will consider environmental information provided by outside parties that meets the EPA's QA requirements. To the extent the City has new sampling data or other environmental information that it believes bears upon the ongoing remedial action, please provide that information to the remedial project manager for OU4 of the Site, Tonya Howell. If such data meets the EPA's QA criteria, the City's data will be reviewed and considered as new information that may have bearing on the ongoing remedial action, as appropriate. The EPA is happy to meet with the City to discuss whether its data meets the EPA's QA requirements or if the City would like to develop an EPA-reviewed QA plan.

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<sup>1</sup> EPA's Environmental Information Quality Policy, *EPA IT/IM Directive Policy No. CIO 2102.1* (July 7, 2005), can be accessed here: [https://www.epa.gov/sites/default/files/2021-04/documents/environmental\\_information\\_quality\\_policy.pdf](https://www.epa.gov/sites/default/files/2021-04/documents/environmental_information_quality_policy.pdf).

<sup>2</sup> EPA's Environmental Information Quality Procedure, *EPA IT/IM Directive Procedure No. CIO 2105-P-01.1* (July 7, 2005), can be accessed here: [https://www.epa.gov/sites/default/files/2021-04/documents/environmental\\_information\\_quality\\_procedure.pdf](https://www.epa.gov/sites/default/files/2021-04/documents/environmental_information_quality_procedure.pdf).

### *Next Steps*

The EPA understands the City's concerns regarding possible contamination in City wells. Ameren is vigorously addressing this issue and conducting bi-weekly sampling in the vicinity of PZ-11 to determine if further investigation or response actions are necessary. EPA is committed to ensuring adequate investigation is performed regarding recent detections in PZ-11 and has been pleased with Ameren's efforts, such as bi-weekly sampling. We encourage you to reach out to Ameren directly, as well, to share your concerns regarding the project. Working directly with Ameren may be an expeditious way to share your concerns and discuss potential solutions.

Achieving an expeditious settlement for Ameren's performance of the remedial action ensures accountability for environmental harms. It also provides the EPA with an enforceable instrument that accounts for changes in circumstance and new or previously unknown information. **Please note that the CD and SOW will allow for modification of the remedy or require additional work be performed should the EPA determine at any point during the work that the remedy is not protective of human health or the environment, which would include if the City's wells are impacted or threatened to be impacted above MCLs.**

We are happy to continue to discuss these issues or any remaining concerns, including the technical concerns set forth in your letter, with you. Again, we also encourage you to discuss your concerns directly with Ameren, as they are the party performing work at the Site. Please contact me at [chiccine.catherine@epa.gov](mailto:chiccine.catherine@epa.gov) if you would like to set up a time to meet and discuss these issues. We look forward to discussing this matter with you.

Sincerely,

CATHERINE  
CHICCINE

Digitally signed by  
CATHERINE CHICCINE  
Date: 2022.06.21  
13:44:10 -05'00'

Catherine R.M. Chiccine  
Office of Regional Counsel